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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,855	08/29/2001	Annop Magness		8543

7590 03/28/2003

ANNOP MAGNESS  
PO BOX 1997  
ROSEMEAD, CA 91770

[REDACTED] EXAMINER

AVERY, BRIDGET D

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3618

4

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/942,855	MAGNESS, ANNOP	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bridget Avery	3618	

All participants (applicant, applicant's representative, PTO personnel):

(1) Bridget Avery. (3) \_\_\_\_\_.

(2) Annop Magness. (4) \_\_\_\_\_.

Date of Interview: 26 March 2003.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1,4 and 31.

Identification of prior art discussed: Becklund US Patent 5,829,948; Martin US Patent 6,095,532; and Heide US Patent 4,534,544.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an  
Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### **Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews**

#### **Paragraph (b)**

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### **37 CFR §1.2 Business to be transacted in writing.**

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  

(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### **Examiner to Check for Accuracy**

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant wanted to know if claim 4 adequately defined his invention as a combination. The examiner informed applicant that it was his choice to claim his invention as a combination but stressed the importance in drafting claims that defined over the prior art (particularly Becklund '948). Applicant stated that his claimed "extensible structure" was different from that shown in Becklund '948. The examiner informed applicant that the differences had to be recited in the independent claims to place the application in condition for allowance. Applicant pointed out that the head rest, recited in claim 4, was a feature he relied upon in defining his invention as one that could be used as a creeper. The examiner directed the applicant to the patent to Martin '532, used to reject claim 4, that clearly discloses a head rest (20) that is used to cushion the head of a user. Applicant was advised of the need to look at all of the prior art cited in the office action before amending the claims to insure that the newly drafted claims do not read on another reference of record. Applicant was informed that his application was not in paid status. In closing, applicant was again advised to hire an attorney or patent agent to assist him in the amendment process. Applicant was informed of where to find listings of patent attorneys and agents on the USPTO web site as well as where to find Patent Depository Libraries in his area (Los Angeles) for assistance. .

*Bridget Avery*  
BRIDGET AVERY  
PATENT EXAMINER 3/26/03

## Interview Summary

In re Application of :  
ANNOP MAGNESS :  
Examiner:  
AVERY, BRIDGET  
D

Serial No.: 09/942,855 :  
Filed: August 29, 2001 :  
Group Art  
Unit: 3618

For: COMBINATION LIFTING, :  
PLATFORM, HAND TRUCK, :  
SCAFFOLD, FLOOR JACK :  
AND MECHANICAL CLEPER :  
:

DATE OF SUMMARY 3/28/2003

Type of interview phone  
Exhibit shown or demonstration conducted: no  
Becklung us patent 5,829,948:martin US Patent 6,095 532:  
and heide US Patent 4,534, 544.

--MULTIUSE LIFTING AND ROLLING PLATFORM--.

The applicant informed the examiner that he did drop the off official action and prior art to the patent agent three months ago. But the patent agent informed the applicant that he was too busy to work on the patent application.

The applicant decided not to wait for the patent agent to work on application and decided to contact the examiner. The examiner informed that applicant must reply and fax the description within 1 hour after the conversation. The applicant could not come up with the completed application and could not fax all paper work on time. The examiner informed the applicant to pay an extension so examiner can help the amendment process.

The applicant is asking question about claim 3, 4, 18, 19, 20, 21, 22, 23, 24, and 31 to define over the prior art.

The applicant is asking the examiner if applicant can claim that the creeper can be vertical lift because becklung have hydraulic piston under the table can not converse to creeper. The applicant wanted to know the applicant can be claim this invention as a reinforced legs in the scissor legs.

The applicant is asking the examiner to add claim 25 and to claim 26 and the examiner has recommended to find a lawyer to assist the applicant in the amendment process.



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7590 03/28/2003

ANNOP MAGNESS  
PO BOX 1997  
ROSEMEAD, CA 91770

EXAMINER
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AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
3618	7

DATE MAILED: 03/28/2003

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	<b>Examiner</b>	<b>Art Unit</b>	
	Bridget Avery	3618	

All participants (applicant, applicant's representative, PTO personnel):

(1) Bridget Avery. (3)\_\_\_\_\_.

(2) Annop Magness. (4)\_\_\_\_\_.

Date of Interview: 07 March 2003.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1-3, 18 and 25.

Identification of prior art discussed: Becklund (US Patent 5,829,948).

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Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant stated he needed help amending his application in response to the office action mailed 12/11/02 because his patent agent refused to offer further assistance. The examiner thoroughly explained the changes necessary in order to get the application in condition for allowance. The discussion included changes to the specification, as stated in the office action, with regards to misspellings and words not found in the English language. The applicant clarified that the term "buget" in the disclosure was intended to be "bucket". The examiner offered to draft an allowable claim for the applicant but applicant declined and stated he would "take his chances" by allowing the time for response to pass and amend the claims himself. Applicant was advised that he should hire a professional such as a patent agent or attorney to assist him with his application.

*Bridget Avery*  
BRIDGET AVERY  
PATENT EXAMINER *3/07/03*